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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,969	07/08/2003	Dennis P. Schwartz	SCHW P001USC1	8787
63460 7590 01/23/2009 THE LAW OFFICE OF ROBERT A. MCLAUCHLAN P.O. BOX 26780 AUSTIN, TX 78755				
EXAMINER				
DASS, HARISH T				
ART UNIT		PAPER NUMBER		
3692				
MAIL DATE		DELIVERY MODE		
01/23/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/614,969

**Applicant(s)**

SCHWARTZ ET AL.

**Examiner**

HARISH T. DASS

**Art Unit**

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/30/2008 has been entered.

2. This action is in response to Applicant's communication of 12-30-2008.

3. **Priority:** 7/8/2002

4. **Status of claims:**

Claims 1-27 are pending.

Claims 1, 5, 9, 12, 17, and 20 are amended.

5. **Non- Compliance:** The amendment is non-compliant. Applicant has deleted limitations without proper procedure. Example - "an auditing system" in claims 1, 20, etc. is changed to comparison engine. Applicant must provide proper claims in compliance with MPEP procedure.

Any error resulted of this negligent is the responsibility of the Applicant for not complying with amendment procedure and the examiner will not accept any related remarks from the applicant.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 remained rejected under 35 U.S.C. 103(a) as being unpatentable over Broadbent et al. (hereinafter Broadbent – US 2001/0047326) in view of Florance et al. (hereinafter Florance – US 7,076,452) and Gould et al. (US 5,966,700).

Re. Claim 17, Broadbent discloses computer implemented method, and system for preparing loan documents:

storing data and procedures for processing said data provided by a mortgage originator in a first computer implemented database; storing data and procedures for processing said data provided by an investor in at least one additional computer implemented database; comparing data provided by said mortgage originator to data provided by said investor [read entire document particularly at minimum - Abstract; Figures 1-3, 4C, 5-6, 12, 17-18, 20; paragraphs (para.) 11, 19, 123];

identifying discrepancies between said data provided by said mortgage originator and said investor using the computer implemented software application [para. 118, 275; ]; supplying additional information to prepare the documents to a documentation preparation engine [para. 20]; a compliance engine that determines if (examiner note: conditional language, not positively claimed) said reconciled data and said additional information are consistent with said procedures for processing said data provided by said mortgage originator and said investor, and wherein noncompliant reconciled data or additional information is reconciled and delivering said populated documents for execution [para. 51, 64-68, 127].

Broadbent does not explicitly disclose reconciling said discrepancies; auditing

said reconciled discrepancies and populating reconciled data and additional information consistent with procedures for processing said data provided by said mortgage originator and said investor into documents contained within a forms library; and wherein said reconciled data eliminates data inconsistencies that would reduce a value of the prepared documents, the reconciled data comprising at least one data selected from the group consisting of: a type of interest rate lock; a need for private mortgage insurance; a interest rate; a loan program; and a requirement for investor fees.

However, Florance discloses reconciling said discrepancies; auditing (examining) said reconciled discrepancies and populating reconciled data and additional information consistent with procedures for processing said data provided by said mortgage originator and said investor into documents contained within a forms library [see entire document, at minimum see, col. 20 lines 49-65, col. 29 lines 52-60, col. 59 lines 45-61]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Broadbent and include reconciling said discrepancies; auditing (examining and underwriting) said reconciled discrepancies and populating reconciled data and additional information consistent with procedures for processing said data provided by said mortgage originator and said investor into documents contained within a forms library, as disclosed by Florance, to correlate data, and databases for facilitating for real estate loan applications and manipulating the data for examination for processing a loan application and underwriting.

Gould et al. discloses wherein said reconciled data eliminates data inconsistencies that would reduce a value of the prepared documents, the reconciled

data comprising at least one data selected from the group consisting of: a type of interest rate lock; a need for private mortgage insurance; a interest rate; a loan program; and a requirement for investor fees [Abstract; Figure 5A; col. 10 lines 7-63]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Broadbent and Florance and include wherein said reconciled data eliminates data inconsistencies that would reduce a value of the prepared documents, the reconciled data comprising at least one data selected from the group consisting of: a type of interest rate lock; a need for private mortgage insurance; a interest rate; a loan program; and a requirement for investor fees , as disclosed by Gould et al. to identify the difference, flag and store in database file for that each delivery and commitments.

Re. Claims, 18-27, Broadbent discloses wherein said mortgage originator enters data into said first database via a software package [para. 11, 25], wherein said procedures for processing said data provided by said mortgage broker and said investor comprise business rules and or compliance requirements [para. 51], wherein said **comparison engine** writes said reconciled data to said first database or said at least one additional database [inherently record can be added, deleted to database], wherein said at least one additional database comprises at least one database selected from the group consisting of property tax databases, independent property valuations databases, income/employment verification databases, income tax databases, and credit databases [para. 24], wherein said business rules comprise investor business rules,

regulatory compliance requirements, or insurability requirements [para. 24], compliance requirements are issued by at least one entity selected from the group consisting of federal government agencies, state governments, local governments, banking regulators, FHA, VA, and FNMA/FHLMC [para. 13, 25], re-auditing (recheck) and allowing said broker to select additional documents from said forms library [Figure 4D and associated description].

Florance further discloses manipulating individual data fields within said populated documents, documents are populated automatically, re-auditing the documents with said compliance engine and reconciling discrepancies created by manipulating individual data fields within said populated documents, reconciling discrepancies created by adding additional documents and creating create database sets [see above]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Broadbent and include reconciling said discrepancies; auditing (examining and underwriting) said reconciled discrepancies and populating data and additional information consistent with procedures for processing said data provided by said mortgage originator and said investor into documents contained within a forms library, as disclosed by Florance, to correlate data, and databases for facilitating for real estate loan applications and manipulating the data for examination for processing a loan application and underwriting.



Re. Claims, 1, and 9, Broadbent discloses computer implemented method, and system for preparing loan documents:

storing data and procedures for processing said data provided by a mortgage originator in a first database; storing data and procedures for processing said data provided by an investor in at least one additional database; comparison engine; server; comparing data provided by said mortgage originator to data provided by said investor [read entire document particularly at minimum, paragraphs 11, 19, 292];

identifying discrepancies between said data provided by said mortgage originator and said investor [para. 275]; supplying additional information to prepare the documents to a documentation preparation engine [para. 20]; a compliance engine that determines if (examiner note: conditional language, not positively claimed) said reconciled data and said additional information are consistent with said procedures for processing said data provided by said mortgage originator and said investor, and wherein noncompliant reconciled data or additional information is reconciled and delivering said populated documents for execution [para. 51, 64-68, 127].

Broadbent does not explicitly disclose reconciling said discrepancies; auditing said reconciled discrepancies and populating data and additional information consistent with procedures for processing said data provided by said mortgage originator and said investor into documents contained within a forms library. However, Florance discloses reconciling said discrepancies; auditing (examining) said reconciled discrepancies and populating data and additional information consistent with procedures for processing said data provided by said mortgage originator and said investor into documents

contained within a forms library [see entire document, at minimum see, col. 20 lines 49-65, col. 29 lines 52-60, col. 59 lines 45-61]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Broadbent and include reconciling said discrepancies; auditing (examining and underwriting) said reconciled discrepancies and populating data and additional information consistent with procedures for processing said data provided by said mortgage originator and said investor into documents contained within a forms library, as disclosed by Florance, to correlate data, and databases for facilitating for real estate loan applications and manipulating the data for examination for processing a loan application and underwriting.

Re. Claims, 2-8 and 10-16, Broadbent discloses wherein said mortgage originator enters data into said first database via a software package [para. 11, 25], wherein said procedures for processing said data provided by said mortgage broker and said investor comprise business rules and or compliance requirements [para. 51], wherein said comparison engine writes said reconciled data to said first database or said at least one additional database [inherently record can be added, deleted to database], wherein said at least one additional database comprises at least one database selected from the group consisting of property tax databases, independent property valuations databases, income/employment verification databases, income tax databases, and credit databases [para. 24], wherein said business rules comprise investor business rules, regulatory compliance requirements, or insurability requirements [para. 24], compliance

requirements are issued by at least one entity selected from the group consisting of federal government agencies, state governments, local governments, banking regulators, FHA, VA, and FNMA/FHLMC [para. 13, 25], re-auditing (recheck) and allowing said broker to select additional documents from said forms library [Figure 4D and associated description].

Florance further discloses manipulating individual data fields within said populated documents, documents are populated automatically, re-auditing the documents with said compliance engine and reconciling discrepancies created by manipulating individual data fields within said populated documents, reconciling discrepancies created by adding additional documents and creating create database sets [see above]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Broadbent and include reconciling said discrepancies; auditing (examining and underwriting) said reconciled discrepancies and populating data and additional information consistent with procedures for processing said data provided by said mortgage originator and said investor into documents contained within a forms library, as disclosed by Florance, to correlate data, and databases for facilitating for real estate loan applications and manipulating the data for examination for processing a loan application and underwriting.

Gould et al. discloses wherein said reconciled data eliminates data inconsistencies that would reduce a value of the prepared documents, the reconciled data comprising at least one data selected from the group consisting of: a type of

interest rate lock; a need for private mortgage insurance; a interest rate; a loan program; and a requirement for investor fees [Abstract; Figure 5A; col. 10 lines 7-63]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Broadbent and Florance and include wherein said reconciled data eliminates data inconsistencies that would reduce a value of the prepared documents, the reconciled data comprising at least one data selected from the group consisting of: a type of interest rate lock; a need for private mortgage insurance; a interest rate; a loan program; and a requirement for investor fees , as disclosed by Gould et al. to identify the difference, flag and store in database file for that each delivery and commitments.

### ***Response to Arguments***

7. Applicant's arguments filed 12-31-2008 have been fully considered but they are not persuasive. These arguments have been responded in previous office action. Applicant has clearly not identified any new remarks, it is a copy of the previous remarks which have been addressed in previous office action and there is no need to repeat.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARISH T. DASS whose telephone number is (571)272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harish T Dass/  
Primary Examiner, Art Unit 3692

1/21/2009